

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRIAN CHRISTOPHER EATON, *et al.*,

Plaintiffs,

v.

ASCENT RESOURCES – UTICA, LLC,

Defendant.

Case No. 2:19-cv-3412

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Chelsey M. Vascura

ORDER

This matter is before the Court on the parties’ Joint Motion to Modify the Case Schedule (ECF No. 102), in which the parties move to modify the current operative schedule (ECF Nos. 68 and 81). The parties additionally withdraw the following motions that have been rendered moot by their continued extrajudicial efforts in this action: the Motion to Expedite (ECF No. 72), Motion for Oral Argument (ECF No. 90), and Motion for Status Conference (ECF No. 101). The Court **GRANTS** the Joint Motion to Modify the Case Schedule and modifies the case deadlines as follows:

Action	Date
Rule 30(b)(6) depositions and fact witness depositions stayed	Stayed until after the Court decides both Plaintiffs’ Motion for Partial Summary Judgment on the Burden of Proof on the Reasonableness of Deductions and on the Breach of Contract Claim for An Accounting (ECF No. 71) and Plaintiffs’ Partial Motion for Summary Judgment Regarding the “Market Enhancement Clause” Leases (ECF No. 85)
Court decides Ascent’s Motion to Modify Class Definition or Compel Arbitration (ECF No. 74)	On the Court’s schedule

Defendant to produce class member addresses	45 days following Court's resolution of Ascent's Motion to Modify Class Definition or Compel Arbitration (ECF No. 74); or, if there is an appeal of the Court's order, then 30 days following the Sixth Circuit's resolution of the appeal
Action	Date
Plaintiffs to effectuate class notice	75 days following Ascent's production of addresses for class members
Deadline for class members to opt-out	60 days following mailing date
Court decides both Plaintiffs' Motion for Partial Summary Judgment on the Burden of Proof on the Reasonableness of Deductions and on the Breach of Contract Claim for An Accounting (ECF No. 71) and Plaintiffs' Partial Motion for Summary Judgment Regarding the "Market Enhancement Clause" Leases (ECF No. 85)	Based on the one-way intervention rule, the parties agree that the Court should resolve these motions on the Court's schedule, but not earlier than the deadline for class members to opt-out deadline.
Merits expert report(s) due for party bearing the burden of proof	60 days after the Court's decisions on both Plaintiffs' Motion for Partial Summary Judgment on the Burden of Proof on the Reasonableness of Deductions and on the Breach of Contract Claim for An Accounting (ECF No. 71) and Plaintiffs' Partial Motion for Summary Judgment Regarding the "Market Enhancement Clause" Leases (ECF No. 85)
Rebuttal expert report(s) due	45 days following merits expert report(s) for party bearing the burden of proof deadline
Expert discovery completion deadline	30 days following rebuttal expert report(s) deadline
Fact discovery completion deadline	30 days following rebuttal expert report(s) deadline
Settlement demand by Plaintiffs	21 days following fact discovery completion deadline
Defendant's response to settlement demand	14 days after settlement demand

Mediation	To be held by private mediator within 30 days after Defendant's response to settlement demand
Motion(s) for summary judgment / Daubert motion(s) due	30 days following mediation
Opposition to motion(s) for summary judgment / Daubert motion(s) due	45 days following motion(s) for summary judgment / Daubert motion(s)
Reply in support of motion(s) for summary judgment / Daubert motion(s) due	30 days following opposition to motion(s) for summary judgment / Daubert motion(s)

The Court hereby **GRANTS** the Joint Motion to Modify the Case Schedule (ECF No. 102). The Clerk is **DIRECTED** to **DISMISS as MOOT** the Motion to Expedite (ECF No. 72), the Motion for Oral Argument (ECF No. 90), and the Motion for Status Conference (ECF No. 101). This case shall remain **OPEN**.

IT IS SO ORDERED.

s/Edmund A. Sargus, Jr. 8/1/2023
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE